

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

CARLOS SIBLEY

PLAINTIFF

v.

CIVIL ACTION NO. 2:20-cv-91-TBM-MTP

**BILLY McGEE, LT. TREY RUDDER,
GARY COLLINS, *and* DANIEL COOLEY**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [33] entered by United States Magistrate Judge Michael T. Parker on December 8, 2021. After considering the record, the Plaintiff's testimony at the *Spears* hearing,¹ and the applicable law, Judge Parker recommends that the Defendants' first Motion for Summary Judgment [25] be denied, the Defendants' second Motion for Summary Judgment [31] be granted in part and denied in part, and that the Plaintiff's claims be dismissed with prejudice. The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); see *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (affirming district court's dismissal of Section 1983 claims and stating that "[w]hen a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other*

¹ *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

grounds, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court's grant of summary judgment). Having considered Judge Parker's Report and Recommendation, the Court finds neither is clearly erroneous nor contrary to law.


IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [33] entered by United States Magistrate Judge Michael T. Parker on December 8, 2021, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendants' first Motion for Summary Judgment [25] is DENIED.

IT IS FURTHER ORDERED AND ADJUDGED Defendants' second Motion for Summary Judgment [31] is GRANTED IN PART and DENIED IN PART.

IT IS FURTHER ORDERED AND ADJUDGED the Plaintiff's claims are DISMISSED WITH PREJUDICE.

THIS, the 1st day of February, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE